

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

MAIA T. PEREZ (MABN 672328)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5061
FAX: (408) 535-5066
maia.perez@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	NO. 5:20-MJ-70971 MAG
)	
Plaintiff,)	STIPULATION AND REQUEST TO CONTINUE
)	STATUS CONFERENCE AND EXCLUDE TIME
v.)	UNDER THE SPEEDY TRIAL ACT AND
)	EXTEND TIME UNDER RULE 5.1 FROM
TUYEN DUC PHAM,)	DECEMBER 14, 2021 TO JANUARY 26, 2022
)	AND ORDER (AS MODIFIED)
)	
Defendant.)	
)	

The United States charged Defendant Tuyen Duc Pham with 21 U.S.C. § 841(a)(1), (b)(1)(B) (Possession with Intent to Distribute and Distribution of Methamphetamine) and 18 U.S.C. §§ 922(a)(1)(A) and 2 (Dealing Firearms Without a License; Aiding and Abetting) via criminal complaint. Defendant has been arraigned on the criminal complaint and is scheduled for a status conference on December 14, 2021. Counsel for the United States and counsel for Mr. Pham now jointly stipulate and request to continue the December 14, 2021 status conference to January 26, 2022 at **2:00 p.m.** The reason for this request is to afford the parties additional time to review discovery and investigate matters which may bear on the disposition of this case.

The parties further stipulate and request that, under the Speedy Trial Act, the Court exclude the

1 time from December 14, 2021 to the new date of the next status conference to allow for effective
2 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that
3 the ends of justice served by excluding time from December 14, 2021 to the date of the next status
4 conference from computation under the Speedy Trial Act outweigh the best interests of the public and
5 the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv). Given the need to investigate
6 matters bearing on the disposition of this case, counsel for Mr. Pham represents that good cause also
7 exists for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure
8 5.1(d) and hereby consents on behalf of Mr. Pham to the requested continuance, to the extensions of
9 time for the preliminary hearing and for the 30-day time period for an indictment under the Speedy Trial
10 Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b). Counsel
11 for the United States likewise consents to the extensions in the requests.

12
13 **IT IS SO STIPULATED.**

STEPHANIE M. HINDS
Acting United States Attorney

14
15 Dated: December 6, 2021

/s/

MAIA T. PEREZ
Assistant United States Attorney

16
17
18 Dated: December 6, 2021

/s/

MARK FLANAGAN
Counsel for Defendant Tuyen Duc Pham

ORDER (AS MODIFIED)

Based upon the facts set forth in the stipulation of the parties and for good cause shown, IT IS HEREBY ORDERED that the status conference in this case is continued to January 26, 2022, at **2:00 p.m.**

The Court finds that failing to exclude the time from December 14, 2021 until January 26, 2022 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from December 14, 2021 until January 26, 2022 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, with the consent of the defendant, and taking into account the public interest in the prompt disposition of criminal cases, based on the parties' showing of good cause, the Court finds good cause exists for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

With the consent of the parties, IT IS HEREBY ORDERED that the time from December 14, 2021 until January 26, 2022 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(b), 3161(h)(7)(A), (B)(iv) and the time limits for conducting a preliminary hearing are extended under Rule 5.1(d) of the Federal Rules of Criminal Procedure.

IT IS SO ORDERED AS MODIFIED.

DATE: December 7, 2021

